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November 27, 2006

VIA E-FILING

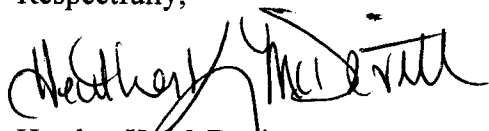
Hon. William Keith Watkins
United States District Court
Middle District of Alabama
One Church Street
Montgomery, AL 36104

Re: Willie McNair v. Richard Allen, Commissioner, Alabama Department of Corrections,
individually and in his official capacity, et al. (Case No. 2:06-cv-695-WKW-SRW)

Dear Judge Watkins:

In accordance with the Court's Order dated November 2, 2006, and in preparation for tomorrow's status conference, we are filing today the attached proposed discovery plan which has been agreed to by both parties. Based upon our conversations with the State, I can represent that the State's position is that this jointly-proposed discovery plan moots Defendants' pending Motion for Speedy Hearing.

Respectfully,



Heather K. McDevitt

HKM:sc

Attachment

cc: Troy King (Counsel for Defendants)
J. Clayton Crenshaw (Counsel for Defendants)
James W. Davis (Counsel for Defendants)
Randall S. Susskind (Counsel for Plaintiffs)
Cathleen I. Price (Counsel for Plaintiffs)
Vincent R. FitzPatrick, Jr. (Counsel for Plaintiffs)
Stephanie Cohen (Counsel for Plaintiffs)

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION**

WILLIE MCNAIR

Plaintiff,

v.

RICHARD ALLEN, Commissioner,
Alabama Department of Corrections,
individually, and in his official capacity,
et al.

Defendants.

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Case No. 2:06-cv-695-WKW-SRW

REPORT OF PARTIES' PLANNING MEETING

1. Pursuant to Fed. R. Civ. P. 26(f), a teleconference was held on November 21, 2006 and was attended by:

Randall Susskind, Cathleen Price, Vincent R. FitzPatrick, Jr., Heather K. McDevitt and Stephanie Cohen for plaintiff Willie McNair;

James W. Davis and J. Clayton Crenshaw for defendants Richard Allen and Grantt Culliver.

2. Pre-Discovery Disclosures.

The parties will exchange by December 12, 2006 the information required by Fed. R. Civ. P. 26(a)(1).

3. Discovery Plan.

The parties jointly propose to the court the following discovery plan.

Plaintiff believes that discovery will be needed on subjects including, but not limited to:

- lethal injection execution protocols, procedures, policies and guidelines used or evaluated by Alabama, whether current or past, including without limitation discovery concerning the development of such protocols, procedures, policies and guidelines;
- consideration of alternatives to Alabama's current lethal injection protocols, procedures, policies and guidelines;
- the qualifications, training and expertise of personnel involved in carrying out Alabama's executions by lethal injection;

- the drugs administered during execution by lethal injection in Alabama, including without limitation discovery concerning the scientific effect in general on persons and animals of the sequence and dosage of drugs used in lethal injections, including the effect, separately and in combination, of each drug used in lethal injections;
- the actual administration and conduct of executions by lethal injection in Alabama, including without limitation discovery of: (i) official witnesses and media witnesses to executions by lethal injection, (ii) the exact composition of every injection of every person executed by lethal injection, and (iii) all reports, studies, evaluations and analysis of executions by lethal injection, including autopsy and forensic reports for every execution by lethal injection; and
- prison examinations and records of plaintiff's physical and mental health.

Defendants do not agree that discovery on all of the above subjects is necessary and reserve all rights to object to the discovery sought by the plaintiff.

All fact discovery commenced in time to be completed by March 30, 2007.

All expert discovery commenced in time to be completed by April 30, 2007.

Maximum of 25 interrogatories by each party to any other party, provided that a party may seek leave to submit additional interrogatories, as necessary. Responses due 20 days after service.

Maximum of 50 requests for admission by each party to any other party, provided that a party may seek leave to submit additional requests for admission, as necessary. Responses due 20 days after service.

Maximum of 10 fact depositions by each party, provided that a party may seek leave to conduct additional depositions, as necessary.

Maximum of 5 expert depositions by each party, provided that a party may seek leave to conduct additional depositions, as necessary.

Each deposition limited to a maximum of 7 hours unless extended by agreement of the parties.

Reports from retained experts under Rule 26(a)(2) due:

from plaintiff by April 6, 2007;

from defendants by April 6, 2007.

Supplementations under Rule 26(e) due April 20, 2007.

4. Other items

Responses to document requests due 20 days after service.

The parties request a conference with the court before entry of the scheduling order.

The parties request a pretrial conference in June 2007.

Plaintiff should be allowed until February 28, 2007 to join additional parties and until February 28, 2007 to amend the pleadings.

Defendants should be allowed until February 28, 2007 to join additional parties and until February 28, 2007 to amend the pleadings.

All potentially dispositive motions should be filed by May 28, 2007.

Settlement is unlikely.

Final lists of witnesses and exhibits under Rule 26(a)(3) should be due:

from plaintiff by May 28, 2007; from defendants by May 28, 2007.

Parties should have 14 days after service of final lists of witnesses and exhibits to list objections under Rule 26(a)(3).

The case should be ready for trial by June 25, 2007 and at this time is expected to take approximately 3 days.

Date: November 27, 2006

/s/ Vincent R. FitzPatrick, Jr.

VINCENT R. FITZPATRICK, JR.
HEATHER K. MCDEVITT
STEPHANIE COHEN
Bar Numbers (SDNY):
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/s/ Troy King

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